

## REMARKS/ARGUMENTS

The Examiner is thanked for the final Office Action dated June 25, 2008. The status of the application is as follows:

- Claims 21 and 24-40 are pending; claims 21 and 35 have been amended with aspects of claims 27 and 35; and claims 27 and 35 have been cancelled;
- Claims 25-27, 35 and 40 are objected to for depending on rejected base claims;
- Claims 31, 32, 36 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. (US Pub 2002/0169922) in view of Pollard, II et al. (US 7,050,959).
- Claims 21, 22, 24, 29 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II et al. and further in view of Huang (US Pub 2003/0095464).
- Claims 28, 33 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II and further in view of Mylly (US Pub. 2005/0235110).
- Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. and Pollard, II and further in view of Jeddelloh (US Pub. 2002/0144173).

The objection and rejections are discussed below.

### **Preliminary Matters**

The Office has maintained the rejection of claim 38. It is noted that claim 38 was amended in the response to the previous non-final Office Action and that the subject final Office Action does not address amended claim 38. It appears that the Office inadvertently used the same argument that was used in the previous non-final Office Action. As such, the elements incorporated therein are not addressed in the subject final Office Action. Thus, applicants submit that the finality of the rejection is improper and requests issuance of another Office Action that addresses all of the elements of claim 38. In addition, it is noted that claim 38 recites limitations similar to those recited in claims 21 and 25, and the Office has deemed this combination of elements allowable. As such, claim 38 should be allowable. Claim 37, which depends from claim 31, also is not addressed in the subject final Office Action.

### **The Objection to the Claims**

Claims 25-27, 35 and 40 stand objected to for depending on rejected base claims. This rejection should be withdrawn because claim 21 has been amended to include aspects of claim 27, which depends therefrom, claims 25 and 26 depend from claim 21, claim 27 has been cancelled, claim 28 has been amended to include aspects of claim 35, which depends therefrom, claim 35 has been cancelled, and claim 40 depends from claim 38, which is allowable for at least the reasons noted *supra*.

### **The Rejection of Claims 31, 32, 36 and 38 Under 35 U.S.C. §103(a)**

Claims 31, 32, 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II et al. With respect to claims 31, 32 and 36, this rejection should be withdrawn because claim 31 has been amended to include allowable subject matter, and claims 32 and 36 depend from claim 31. With respect to claim 38, as noted *supra*, claim 38 was amended in the response to the previous non-final Office Action and that the subject final Office Action does not address amended claim 38. Thus, applicants submit that the finality of the rejection is improper and requests issuance of another Office Action that addresses all of the elements of claim 38. In addition, claim 38 recites limitations similar to those recited in claims 21 and 25, and the Office has deemed this combination of elements allowable. As such, applicants respectfully request allowance of claim 38 in the Office Action.

### **The Rejection of Claims 21, 24, 29 and 34 Under 35 U.S.C. §103(a)**

Claims 21, 24, 29 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II et al. and further in view of Huang. This rejection should be withdrawn because claims 21 and 31 have been amended to include allowable subject matter, and claims 24 and 28 depend from claim 21 and claim 34 depends from claim 31.

### **The Rejection of Claims 28, 33 and 39 Under 35 U.S.C. §103(a)**

Claims 28, 33 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II et al. and further in view of Mylly. This rejection should be withdrawn because claims 28, 33 and 39 depend from independent claims 21, 31 and 38 and are allowable at least by virtue of their dependencies.

**The Rejection of Claim 30 Under 35 U.S.C. §103(a)**

Claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Thomann et al. in view of Pollard, II et al. and further in view of Jeddeloh. This rejection should be withdrawn because claim 30 depends from independent claim 21 and is allowable at least by virtue of this dependency.

**Claim 37**

Claim 37 is not addressed in the subject final Office Action. However, claim 37 depends from an allowable claim, claim 31, and is allowable at least by virtue of this dependency.

**Conclusion**

It is believed that each of the claims now in the application is distinguishable one from the other and over the prior art. Therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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**CUSTOMER NO. 56687**

AMD:cg